

# EXHIBIT 3

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
Honorable Michael W. Noble, Judge

K.W., A MINOR, BY AND THROUGH )  
HIS NEXT FRIEND, ELIZABETH WHITFIELD, )

PLAINTIFF )

V )

CAUSE NO.  
2222-CC06214

ST. LOUIS CHILDREN'S HOSPITAL, )  
MEAD JOHNSON & COMPANY, LLC., )  
MEAD JOHNSON NUTRITION COMPANY, )  
ABBOTT LABORATORIES, AND )  
ABBOTT LABORATORIES, INC., )

DIVISION 22

DEFENDANTS )

TRIAL TRANSCRIPT

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OFFICIAL COURT REPORTER  
CITY OF ST. LOUIS CIRCUIT COURT  
TWENTY-SECOND JUDICIAL CIRCUIT

1 A. You did.

2 Q. And was that the conclusion of your report?

3 A. Yes.

4 Q. Did you send this to Abbott?

5 A. Yes.

6 Q. What was Abbott's response?

7 A. Initially, what was passed on to me,  
8 unfortunately, was a comment that this would be bad for  
9 business.

10 Q. Did they ask you to make any changes to your  
11 manuscript?

12 A. At that point in time, I was dealing with Matt  
13 Kuchan, and he made some suggestions for verbiage in some  
14 of the drafts.

15 There was a request from Abbott that we include  
16 a statement that our results indicate the preterm pig is  
17 not a good model for the preterm infant.

18 Q. Did you agree with that?

19 A. I did not. And, so, we did not include that in  
20 the manuscript, because there was no reason, no evidence  
21 for that statement.

22 Q. Okay. So, prior to you sending him these  
23 results did anybody at Abbott ever criticize your pig  
24 model?

25 A. Not that I was aware of.

1           A.     A good friend of mine, a pediatric oncologist  
2     who I work with, was actually over in India, and then  
3     visited this very large NICU, where it was explained to  
4     him that when they were feeding the -- the regular preterm  
5     formula that includes glucose polymers, they had a very  
6     serious NEC problem.

7                     And, so, he decided to switch to a term formula,  
8     which, by the way, has only lactose in it. And when they  
9     did that, NEC basically was eliminated from that NICU.

10           Q.    Okay. So you are -- you are asking them about a  
11   potential clinical trial in Southeast Asia?

12           A.    Correct.

13           Q.    Okay. And why did you think that your -- that  
14   might be able to be done?

15           A.    The reason for that is if you take a look at  
16   India, Bangladesh, Pakistan, they don't have established  
17   breast milk banks, and, in some cases, there are cultural  
18   issues with using breast milk from another woman. And,  
19   so, as a result, if breast milk is not available -- and  
20   that's often the case -- they have no choice but to feed  
21   formula.

22                     So the thought being this would be a good place  
23   to do a clinical trial, because you're not going to take  
24   breast milk away from infants, but, instead, you're going  
25   to be able to see if an all-lactose formula would actually

1 increases the incidence of NEC and produces distinct  
2 metabolomic signatures despite modest changes in  
3 microbiome profiles."

4 Did I read that correctly?

5 A. You did.

6 Q. All right. Let's take a look just real quick,  
7 one other thing in this paper, the second page, please.  
8 And this is in the background section.

9 It says, "At least two dominant factors that are  
10 thought to be causally associated with NEC are bacterial  
11 colonization and enteral formula feeding."

12 Did I read that correctly?

13 A. You did.

14 Q. And this was in a paper written by Mead Johnson?

15 A. That included authors and the input from Mead  
16 Johnson.

17 Q. Okay. Doctor, were all of the opinions that  
18 you've been giving today based on a reasonable degree of  
19 scientific certainty?

20 A. Yes, they are. They're based on our own  
21 studies, and those of colleagues that are also doing  
22 research in this field.

23 Q. Are -- are you here today testifying in this  
24 courtroom because you're angry with Abbott?

25 A. Not at all.